

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-27 are pending in the application, with 1, 16, 18, 22, 23 and 27 being the independent claims. Claims 1, 18, and 22 are amended herein. Support for these amendments can be found for example at paragraph 0027 of the specification. New claims 23-27 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Applicant thanks the Examiner for the courtesies extended during the telephone interview of December 7, 2006. During the interview the Examiner agreed that specific language directed toward the diameter of the protrusions in reference to the holes would likely differentiate the claimed invention from the cited art.

Rejections under 35 U.S.C. § 102

Claim 1-2, 7, 12-15, 18-19 and 22 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,076,282 to Brue' (Brue').

Claim 1 has been amended herein to specifically recite that " wherein *said one or more diameters of said protrusion are greater than the diameter of said receptacle* such that only a portion of said protrusion may extend through said receptacle." Brue' does not disclose this feature of claim 1.

Similarly, claim 18, as amended, calls for "*wherein said one or more diameters of said protrusion are greater than said diameter of said receptacle.*" Brue' does not disclose this feature of claim 18.

Also, claim 22, as amended, requires that "*wherein said diameter of said receptacle is not greater than said one or more diameters of said protrusion* such that only a portion of said protrusion may extend through said receptacle." Brue' does not disclose this feature of claim 22.

Brue' discloses that,

At the top of the reliefs 1 there is preferably provided a small cylinder-conical [*sic*] protuberance 1a with a rounded tip, having a maximum diameter slightly less than the diameter of the holes 2 and height approximately equal to the thickness of the midsole R, such that during the pressing action of the foot this protuberance 1a gradually "occupies" the empty space of the holes 2, causing perfect centering of the holes 2 on the reliefs 1 during any walking conditions and also providing a continuous support for the foot.

(col. 4, ln. 32-40).

As such, Brue' requires that at least one diameter of reliefs 1 (diameter of protuberance 1a) has a maximum diameter *less* than the diameter of holes 2, such that at least one diameter of reliefs 1 (diameter of protuberance 1a) occupies the holes when the midsole or insole is deformed. See Fig. 3. Thus, Brue' does not disclose an arrangement in which *all diameters* of reliefs 1 *are greater* than the diameter of holes 2. For at least these reasons, independent claims 1, 18 and 22, as amended, are patentable over Brue'. Claims 2, 7, and 12-15 depend from and add further features to independent claim 1 and are thus patentable for at least the same reasons as claim 1. Claim 19 depends from and

adds further features to independent claim 18 and is thus patentable for at least the same reasons as claim 18.

Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102(b) rejections and allowance of claims 1-2, 7, 12-15, 18-19, and 22.

Rejections under 35 U.S.C. § 103

Claims 8-10 and 20 have been rejected over 35 U.S.C. § 103(a) as being obvious over Brue' in view of U.S. Patent No. 6,199,304 to Ludemann. Claims 8-10 depend from and add further features to claim 1, and thus are patentable for at least the same reasons as claim 1, discussed above. Similarly, claim 20 depends from and adds further features to claim 18, and thus is patentable for at least the same reasons as claim 18, discussed above.

Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection and the allowance of claims 8-10 and 20.

Other Matters

The Examiner has indicated that claims 3-6 and 21 include allowable subject matter. New claim 23 contains substantially all of the subject matter of prior pending dependent claim 3 and includes all of the limitations of the base claim and any intervening claims. Claims 24-26 contain substantially the same subject matter as prior pending dependent claims 4-6. Similarly, new independent claim 27 contains substantially all of the subject matter of prior pending dependent claim 21 and includes all of the limitations of the base claim and any intervening claims. For at least these reasons, new claims 23-27 are patentable and allowance thereof is respectfully requested.

Applicant appreciates the Examiner's allowance of claims 16 and 17.

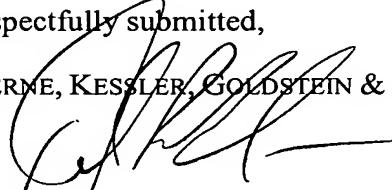
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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